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FILED
Clerk
District Court

NOV 29 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

JOHN BRADY BARRINEAU,
Plaintiff,

v.

PRO MARINE TECHNOLOGY and CABRAS
MARINE CORPORATION,
Defendants.

CV NO. 05-0028

**PLAINTIFF'S CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: November 30, 2005
Time: 8:30 a.m.
Judge: Munson

COMES NOW Plaintiff John Brady Barrineau, by and through his counsel of record, William Fitzgerald and Bruce Berline, and submits the following Case Management Conference Statement, pursuant to LR 16.2CJ(e)(2):

ORIGINAL

1 **A. Service of process on parties not yet served**

- 2 1. All anticipated parties have been served.
3 2. There are presently no other party to be served.

4 **B. Jurisdiction and Venue**

- 5 1. This Court has personal jurisdiction over Cabras and Pro Marine Technology.
6 2. This Court has original subject matter jurisdiction of Plaintiff Couture's admiralty and
7 maritime claims pursuant to the *Jones Act*, 46 U.S.C. §688, and general maritime law, pursuant to 28
8 U.S.C. §1333 (admiralty and general maritime jurisdiction), and 28 U.S.C. §1331 (federal question),
9 3. Venue is properly placed in the United States District Court for the Northern Mariana Islands
10 in that both corporate defendants are subject to this Court's personal jurisdiction. *See* 28 U.S.C.
§1391(b)(2) and (3)

11 **C. Track assignment**

12 Plaintiff recommends the **Standard Track** assignment.

13 **REASONS:**

- 14 1. This is a fairly straight forward maritime case involving Jones Act negligence and the
15 doctrine of unseaworthiness, however, given Defendants' extensive denials in its answer, there are
16 certainly more than a few, unsettled legal issues.
17 2. Required discovery against the Defendants will be routine.
18 3. Real parties in interest should not exceed five.
19 4. There should not be more than 10 fact witnesses in this matter.
20 5. Expert witnesses will be necessary to show Plaintiff's physical damages. Plaintiff estimates
21 that he will need three to six three expert witnesses to prove his case.
22 6. The jury trial in this case would likely take one week.
23 7. This case has a low suitability for alternative dispute resolution.
24 8. The character and nature of damage claims are fairly standard but will need expert testimony.

24 **D. Anticipated motions**

- 25 1. Numerous discovery motions
26 2. Motion for Summary Judgment as to Jones Act Seaman status

27 **E. Discovery**

28 **Anticipated discovery:**

1. Interrogatories to and from all defendants.

2. Requests for production of documents to and from all defendants.

3. Requests for Admissions to and from all defendants.

4. Depositions: Plaintiff anticipates that he will depose the following individuals and entities:

a. Employees and expert witnesses of both defendants

Limitations on discovery: None.

F. Further proceedings

See Section K below.

G. Special procedures.

No special procedures are required.

H. Modifications of standard pre-trial procedures.

None.

I. Settlement prospects

Plaintiff is more than willing to consider a reasonable settlement offer from defendants.

J. Other matters

None.

K. Setting of dates

1. Joinder of all parties: February 15, 2006

2. Motions to amend: February 15, 2006

3. Discovery cut-off: May 15, 2006

4. Status conference: May 1, 2006

5. Discovery motion hearing date: June, 2006

6. Dispositive motion cut-off: July 30, 2006

7. Dispositive motion hearing date: August, 2006

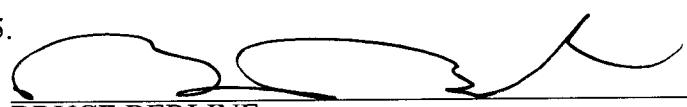
8. Settlement conference: April 15, 2006 and August, 2006

9. Joint pretrial order: September, 2006

10. Final pretrial conference: October 2006

11. Trial: November, 2006

Dated this 29th day of November, 2005.


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